

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

BK NO.: 18-10820

Chapter 7

In Re:)

Kristen Allard,)

Debtor)

**MOTION TO EXTEND THE DEADLINE
TO FILE AN OBJECTION TO
DISCHARGE**

NOW COMES, pursuant to Federal Rules of Bankruptcy Procedure 4004(b)(1) and 4007(c), creditor Shamrock Finance LLC (“Shamrock”) and hereby moves this Court for an Order extending the current Friday, October 12, 2018 deadline to file its Objection to the debtor Kristen Allard’s (“Debtor”) discharge pursuant to 11 U.S.C. § 523 or § 727 for approximately sixty-one (61) days which would make Monday, December 10, 2018 Shamrock’s new deadline to file any discharge. In further support of this Motion, Shamrock states as follows:

1. On May 9, 2018 the Debtor filed her petition for relief under Chapter 7 of the Bankruptcy Code;
2. On May 9, 2019 Charles A. Pisaturo, Jr., Esq. (the “Trustee”) was appointed Chapter 7 Trustee in this matter;
3. On Tuesday, June 12, 2018, the Trustee conducted the Meeting of Creditors pursuant to 11 U.S.C. § 341;
4. The Trustee continued the Meeting of Creditors to Tuesday, July 17, 2018;
5. During these Meetings of Creditors, it was determined that the Debtor transferred a parcel of real estate located in Providence, Rhode Island on January 9, 2017 for no consideration. The transfer was to a party that the Debtor referred to as “her mother”;
6. Since the transfer, the real estate has been encumbered by a mortgage in the face

- amount of two hundred thousand (\$200,000) dollars held by Ms. Janis Goneconte;
7. The facts and circumstances surrounding the transfer and the mortgage require further discovery in order that Shamrock can properly assess its right to pursue any objection pursuant to 11 U.S.C. § 523 and § 727,
 8. On August 1, 2018 the Trustee filed his Motion for 2004 Examination (Docket No. 13) of Theresa Primo which the Trustee requested to be held on Tuesday, August 28, 2018 or such other date and time as the Trustee and Theresa Primo may agree;
 9. The Trustee's Motion filed on August 1, 2018 included a Request for Production of Documents from Theresa Primo with a due date of Thursday, August 23, 2018;
 10. That the Trustee's 2004 Examination of Theresa Primo has been continued to a date to be determined by the Trustee.
 11. The Trustee has advised that the Debtor has not yet produced any documents.
 12. On September 24, 2018, the Trustee filed his Agreed Motion for 2004 Examination (Docket No. 26) of Ms. Goneconte which the Trustee request to be held on Monday, October 15, 2018 beginning at 3:00 PM, or such other date and time as the Trustee and Ms. Goneconte agree.
 13. That the Trustee's Agreed Motion for 2004 Examination of Ms. Goneconte filed on September 24, 2018 included a Request for Production of Documents from Ms. Goneconte with a due date of October 9, 2018.
 14. As of the date of this Motion, Shamrock has not been provided documents produced by Ms. Goneconte to the Trustee, if any.

15. From the Trustee's Motion for 2004 Examinations of the Debtor and Ms. Goneconte, it is apparent that Shamrock will require additional time to develop facts and circumstances regarding the Debtor's transfer of the real property located at 11 Hudson Street, Providence, Rhode Island to Theresa Primo and its determination as a fraudulent transfer barred by 11 U.S.C. § 548;
16. Fed. R. Bankr. P. 4004(b)(1) provides that "[o]n motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired." Likewise, the time for filing an Objection to Discharge of a Debtor's debts may be extended pursuant to Fed. R. Bankr. P. 4007(c);
17. Based upon the Debtor's testimony at the initial 341 Meeting of Creditors and information obtained through its own independent investigation together with the efforts made by the Trustee, Shamrock may also seek to examine the Debtor at a Rule 2004 examination;
18. In light of these circumstances, Shamrock believes that sufficient cause exists to extend for approximately sixty-one (61) days the current Friday, October 12, 2018 deadline to file its Objection to Discharge which makes Monday, December 10, 2018 the new deadline to file any such Objection.

WHEREFORE Shamrock respectfully requests that this Honorable Court grant its Motion to Extend the Friday, October 12, 2018 deadline to file its objection to discharge for approximately sixty-one (61) days which makes Monday, December 10, 2018 Shamrock's new deadline to file its Objection to Discharge and to grant such other relief as the Court deems just and appropriate.

Respectfully Submitted,
SHAMROCK FINANCE LLC
By its attorneys,

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Dated: October 11, 2018

NOTICE OF TIME TO RESPOND/OBJECT

Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the request relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I, Marc D. Wallick, state that on the 11th of October, 2018, I electronically filed the foregoing *Motion to Extend the Deadline to File an Objection to Discharge* with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF filing system. I served the foregoing document on the following CM/ECF participants:

United States Trustee's Office

Trustee

Peter G. Berman, Esq.
mail@raskinberman.com

/s/ Marc D. Wallick
Marc D. Wallick, Esq.